CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. 97-042

NPDES NO. CA0084077

WASTE DISCHARGE REQUIREMENTS FOR STOCKTON PORT DISTRICT FACILITY-WIDE STORM WATER DISCHARGES FROM MUNICIPAL SEPARATE STORM SEWER SYSTEM AND NON-STORM WATER DISCHARGES FROM THE PORT OF STOCKTON SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Board) finds that:

1. The Stockton Port District (hereafter referred to as Discharger) is a special district that owns and operates the Port of Stockton and its storm sewer system in the City of Stockton, which is an incorporated community with a population of 100,000 or more, but less than 250,000. The portion of the storm sewer system operated by the City of Stockton is separately regulated under different waste discharge requirements, in Order 95-035. The Discharger's storm sewer system is defined in the Federal Storm Water Regulations (regulations) [40 CFR Section 122.26(b)(7)] as a medium municipal separate storm sewer system.

2. On 15 July 1996, and in subsequent correspondence, the Discharger notified the Board that it would apply for a municipal storm water permit, and that it wanted to be regulated under separate waste discharge requirements than the City of Stockton.

3. On 12 August 1996, the Discharger submitted a work plan for the preparation of Part I and Part II of the NPDES municipal storm water application. (40 CFR Section 122.26(d)). According to the proposed work plan, the process would take two years before a complete application was submitted.

4. Medium municipal storm sewer system operators were to submit a complete application by May 17, 1993 (40 CFR Section 122.26 (e)(4)). Waste discharge requirements for medium municipal storm sewer systems were to have been issued by May 17, 1994 (40 CFR Section 122.26(e)(7)). The Board is authorized to adopt waste discharge requirements even where a permit application has not been submitted (Water Code Section 13263(d)). The Board finds that a delay of two years before issuing this permit would be unreasonable in light of the federal requirements for storm water permits, the information already submitted to the Board regarding this storm sewer system, and the fact that the Discharger has been

regulated for several years under the General Permit for Storm Water Discharges Associated with Industrial Activities.

5. The Board may issue a municipal storm water permit for all or a portion of the discharges from medium separate storm sewer systems, and may issue permits on a facility- or area-wide basis to address different drainage areas which contribute storm water to the municipal system (40 CFR Section 122.26(a)(3)(v)).

6. This Order permits the discharge of storm water and non-storm water through the municipal storm sewer system, and establishes a time schedule for the Discharger to develop a Comprehensive Storm Water Management Program (Program) for the entire Port facility. In accordance with the provisions of this Order, the Discharger is required to implement its Program within 18 months after adoption of this Order, and to begin implementing the monitoring program forthwith. An 18-month implementation period is adequate since the Discharger has already developed a Storm Water Pollution Prevention Plan that contains many of the necessary program elements.

7. The Port of Stockton is primarily an industrial facility, with some commercial and non-industrial activities. The requirements for the Program therefore emphasize storm water discharges associated with industrial and commercial activities, and do not contain some elements usually found in municipal storm sewer system permits that address residential storm water dischargers. The major elements that will be addressed in the District's Program are:

   a. Industrial Discharge Management Program
   b. Illegal Discharge Program
   c. Illicit Connection Program
   d. Tenant, Contractor, Employee, and Public Education and Awareness Program
   e. Site Development/Construction Management Program
   f. Monitoring Program
   g. Inter/Intra-Agency Coordination
   h. Legal Authority
   i. Program Management
   j. Program Evaluation and Assessment and Reporting

8. The Program requires the implementation of source control, and structural and non-structural treatment control measures collectively referred to as Best Management Practices (BMPs) to prevent and reduce the discharge of pollutants in storm water. Implementation of

source control BMPs is a cost effective approach to storm water pollution prevention. The Discharger is encouraged to develop a Program that emphasizes pollution prevention through the incorporation of BMPs, and to incorporate existing BMPs when applicable. Where pollution prevention BMPs are ineffective, the Discharger must investigate and implement structural, treatment, or other BMPs, as necessary, to ensure compliance with the requirements established in this Order. The Discharger must evaluate and assess existing BMPs to determine that such BMPs are applicable to the Program, and that the BMPs are effective.

9. Discharges from the municipal separate storm sewer systems owned or operated by the Discharger consist of storm water runoff and non-storm water discharges, which discharge directly or indirectly to the San Joaquin River and to the Stockton Deep Water Channel, a tributary to the San Joaquin River, as shown on Attachment A. Attachment A is provided to illustrate the size, location and layout of the Port facility. It also contains the names of some, but not all, of the current tenants at the Port facility. Attachment A is not a part of this Order.

10. During day-to-day activities around the Port, in particular during the loading and unloading of materials from vessels, trains, and other vehicles, Discharger operations result in materials being spilled on the ground and swept or washed to the River or Deep Water Channel, or being directly spilled to the River or Deep Water Channel. Discharge Prohibition A.5 generally prohibits the discharge of these types of materials, directly to the River and the Deep Water Channel. Discharge Prohibition A.5 is not violated, however, if the Discharger demonstrates that the discharge did not cause an exceedance of a water quality objective and that it implemented best management practices(BMPs) that reflect Best Available Technology or Best Conventional Technology. Provision D.9.c. requires the Discharger to implement BMPs to prevent or minimize the direct discharge of material during day to day activities around the Port.

11. This Order regulates storm water discharges from municipal separate storm sewer systems from the entire Port facility, and, in accordance with Provision D.9 of this Order, non-storm water discharges from facilities that are operated by the Discharger.

    Storm water discharges from separate municipal storm drain systems must reduce the discharge of pollutants to the Maximum Extent Practicable (MEP) (Clean Water Act Section 402(p)(3)(B)(iii)).

Discharges of non-storm water from facilities operated by the Discharger, are subject to Best Available Technology Economically Achievable (BAT), and Best Conventional Pollutant Control Technology (BCT).

12. The Discharger should not be provided the same flexibility in complying with water quality standards as other large municipal permittees because: 1) activities being conducted at the Port are predominantly industrial and can be readily identified, 2) drainage areas of the Port are well defined, 3) the total area of the Port is small in comparison to large municipal areas, and 4) the sources of pollutants in storm water discharges can be identified and controlled. The Port facility is essentially a large industrial facility, and should be subject to an equivalent discharge standard as other industrial sites. Therefore, Effluent Limitation, B.1, defines the discharge standard Maximum Extent Practicable to be equivalent to BAT/BCT for purposes of this Permit.

    The Board finds that the character of the discharge may change in the future, either because the nature of the tenants may change, or because the Discharger may at some time segregate the flows of storm water which are industrial in nature from flows that are commercial or residential. Should the Discharger provide information showing that certain non-commingled storm water discharges to receiving waters are not industrial in nature, the Board will consider revising Effluent Limitations, B.1, to define the discharge standard for those flows not be equivalent to BAT/BCT.

13. Clean Water Act Section 402(p)(3)(B)(ii) requires that these waste discharge requirements shall include a requirement to effectively prohibit non-storm water discharges into storm sewers. The Regulations, at 40 CFR Section 122.26(d)(2)(iv)(B)(1), specify certain categories of non-storm water discharges that do not have to be addressed unless the discharges have been identified as a source of pollutants by the Discharger. At this time it is unknown if any of these categories of non-storm water discharges listed will be designated by the Discharger.

    The State Water Resources Control Board (State Board) is currently conducting a study of non-storm water discharges. In addition, the Discharger may, over the term of this Order, conduct studies to determine the threat to water quality for various non-storm water discharges. These studies may result in additional de minimis categories of non-storm water discharges being identified. Provision D.9 allows the Program to be amended to include additional de minimis categories of non-storm water discharges.

14. Because the Port of Stockton is within the City of Stockton limits, and the City of Stockton is regulated under a separate municipal storm water permit, Provision D.6 requires the Discharger to enter into an agreement with the City, if necessary, to coordinate efforts to adequately implement the Program.

15. The Board adopted a Water Quality Control Plan, Third Edition, for the Sacramento River Basin and San Joaquin River Basin (Basin Plan) which contains water quality objectives for all waters of the Basin. The State Water Resources Control Board adopted the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary on 22 May 1995. The Plan includes water quality objectives for the Delta. This Order implements the Basin and Delta Estuary Plans.

16. The beneficial uses of the San Joaquin River and Delta downstream of the discharge are municipal and domestic, industrial, agricultural supply, water contact and noncontact recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife and other aquatic resources.

17. Urban storm water runoff discharges contain pollutants that may lower the quality of receiving waters and impact beneficial uses. Studies indicate there may be increases in pollutant levels and aquatic toxicity in receiving waters as a result of urban storm water discharges.

18. This Order requires the evaluation of water quality impacts from storm water runoff from municipal storm sewer systems that service the entire Port facility, and the implementation and evaluation of the Program to reduce the discharge of pollutants into storm water runoff to the maximum extent practicable (MEP) to improve water quality and protect beneficial uses. Implementation of the Program to reduce pollutant loads from the entire Port facility is required as part of this permit. Additionally, this Order requires that the effectiveness of the Program in reducing the discharge of pollutants, attaining water quality objectives and protecting beneficial uses, be evaluated.

19. The permitted discharge is consistent with the anti-degradation provisions of 40 CFR 131.12 and the State Board Resolution 68-16.

20. Section 402(p)(4)(B) of the Clean Water Act requires that the Discharger shall be in full compliance with the requirements of this Order as expeditiously as practicable, but in no event later than three (3) years after the date of issuance of this Order.

This Order requires the reduction of pollutants in storm water discharges to ensure compliance with receiving water limitations. Implementation of the requirements established in this Order, will result in compliance with receiving water limitations being achieved within three (3) years.

The Discharger shall demonstrate substantial compliance with the Program and Permit through the information and data supplied in the Annual Report.

21. Full and complete implementation of the Comprehensive Stormwater Management Program, Monitoring and Reporting Program, and other documents to be developed in accordance with the requirements of this Order, will require many years that will extend beyond the term of this Order. Annually, or as necessary, the Discharger will review, evaluate, revise and amend the programs, as necessary, over the implementation schedule to ensure compliance with the requirements of this Order.

22. The Program, Monitoring and Reporting Program, and other documents that were submitted prior to the adoption of this Order, and which will be submitted and approved subsequent to the adoption of this Order, and all subsequent modifications, or revisions to these programs approved in accordance with Provisions D.10 and D.11 of this Order, are integral to this Order, and are enforceable as evidence of compliance with the Order.

23. It is not feasible at this time to establish numeric effluent limitations for pollutants in storm water discharges from municipal storm sewer systems. Therefore, the effluent limitations in this permit are narrative, and include the requirement to reduce pollutants in storm water discharges to the MEP. This Order requires the implementation of BMPs that have been identified in the Program, to control and abate the discharge of pollutants in storm water discharges to the MEP, and ensure receiving water limitations will be achieved.

24. This permit allows the Discharger 450 days to develop a comprehensive Storm Water Management Program. This time period will allow the Discharger to analyze monitoring data from the 1996-97 and the 1997-98 wet seasons in developing the Program. Following review of the monitoring data from the 1996-97 wet season, this Board may, if appropriate, either reopen this Order to consider revisions based on new information or take other action to ensure that appropriate best management practices are implemented during the 1997-98 wet season.

25. It is not feasible at this time to establish numeric effluent limits for pollutants in non-storm water discharges from facilities owned or operated by the Discharger. Therefore, the

effluent limitations in the Order are narrative, and include the requirement to reduce pollutants in non-storm water discharges through implementation of BAT/BCT technologies. Until such time numeric effluent limits are developed, implementation of BMPs, both structural and nonstructural, constitute compliance with BAT/BCT effluent limitation standards.

26. The Federal Government is in the process of converting Rough and Ready Island, a Naval Station, to a civilian facility. Once the conversion is complete, that facility will be transferred to the Discharger. Provision D.7 of this Order directs the Discharger to notify the Executive Officer within 30 days after the transfer is complete, and to amend or revise the Program as necessary to address storm water discharges from Rough and Ready Island. Provision D.11 of this Order allows this Order to be reopened, if necessary, to address storm water dischargers from Rough and Ready Island to be regulated by this Order.

    The Board recognizes that the activities that will be conducted on Rough and Ready Island may not be predominantly industrial in nature. Should the Discharger provide information showing that the storm water discharges from Rough and Ready Island are not predominantly industrial, or that certain non-commingled storm water discharges to receiving waters are not industrial in nature, the Board will consider revising Effluent Limitation, B.1. to define the discharge standard for appropriate flows from Rough and Ready Island not to be equivalent to BAT/BCT.

27. The action to adopt an NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), in accordance with Section 13389 of the California Water Code.

28. The Board has notified the Dischargers and interested agencies and persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.

29. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

30. This Order shall serve as an NPDES permit pursuant to Section 402 of the CWA, and amendments thereto, and shall take effect upon the date of hearing, provided EPA has no objections.

WASTE DISCHARGE REQUIREMENTS
STOCKTON PORT DISTRICT
FACILITY-WIDE MUNICIPAL STORM WATER AND
NON-STORM WATER DISCHARGES FROM THE
PORT OF STOCKTON, SAN JOAQUIN COUNTY

IT IS HEREBY ORDERED that the Stockton Port District, its agents, successors and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions:

1. The Discharger shall effectively prohibit the discharge of non-storm water into the municipal separate storm sewer system. Except for those discharges identified in A.2 below, this prohibition does not apply to the following discharges:

   a. water line flushing;
   b. landscape irrigation;
   c. diverted stream flows;
   d. rising ground waters;
   e. uncontaminated ground water infiltration [as defined in 40CFR 35.2005(20)] t separate storm sewers;
   f. uncontaminated pumped ground water;
   g. discharges from potable water sources;
   h. foundation drains;
   i. air conditioning condensate;
   j. irrigation water;
   k. springs;
   l. water from crawl space pumps;
   m. footing drains;
   n. lawn watering;
   o. individual residential car washing;
   p. flows from riparian habitats and wetlands;
   q. dechlorinated swimming pool discharges;
   r. discharges or flows from emergency fire fighting activities.

2. Any of the discharges listed as 'a' through 'r' in Discharge Prohibition A.1 that are determined by the Discharger to be sources of pollutants are not exempt from this prohibition and shall be addressed in accordance with requirements established in Provision D.9 of this Order.

3. The list of discharges in Discharge Prohibition A.1 may be amended over the term o this Order in accordance with Provisions D.9 of this Order, to incorporate other de

minimis categories of non-storm waters determined as a result of studies conducted by the State and Regional Boards, or by the Discharger.

4. Non-storm water discharges that are subject to a separate NPDES permit are exempt from this prohibition.

5. The discharge of material by the Discharger associated with shipping, receiving and storage activities conducted at the Port, such as, but not limited to, sulfur, coal, cement, petroleum coke, raw sugar, copper concentrate, and fertilizers, to a surface water is prohibited. The Discharger will not be in violation of this prohibition if it demonstrates that the discharge has not caused an exceedance of a water quality objective, and that it has applied best management practices that reflect the Best Available Technology Economically Achievable for nonconventional and toxic pollutants (BAT), and Best Conventional Technology Economically Achievable for conventional pollutants (BCT), to minimize or avoid such discharges.

B. Effluent Limitations

1. The Discharger shall reduce the discharge of pollutants from municipal separate storm sewers to the Maximum Extent Practicable (MEP). Because activities at the Port are predominantly industrial, this Order defines the MEP discharge standard to be equivalent to BAT and BCT discharge standards that are typically established for industrial storm water discharges.

2. The Discharger shall reduce or eliminate the discharge of pollutants in non-storm water discharges identified in Provision D.9 from facilities operated by the Discharger through implementation of BAT and BCT technologies.

C. Receiving Water Limitations:

1. Storm water discharges and authorized non-storm water discharges to any surface or ground water shall not adversely impact human health or the environment.

2. The discharge of storm water and authorized non-storm water discharges shall not cause the following in the receiving water:

   a. Oils, greases, waxes, or other materials to form a visible film or coating on the water surface or on the stream bottom.

b. Oils, greases, waxes, floating material (liquids, solids, foams, and scums) or suspended material to create a nuisance or adversely affect beneficial uses.

c. Water shall be free of discoloration that causes nuisance or adversely affects beneficial uses.

d. Fungi, slimes, or other objectionable growths.

e. Turbidity to increase more than 20 percent over background levels. In determining compliance with the water quality objective, appropriate averaging periods may be applied provided the beneficial uses will be fully protected.

f. The normal ambient pH to fall below 6.5, exceed 8.5, or change by more than 0.5 units. In determining compliance with the water quality objective, appropriate averaging periods may be applied provided the beneficial uses will be fully protected.

g. Deposition of material that causes nuisance or adversely affects beneficial uses.

h. The normal ambient temperature to be increased more than 5°F. In determining compliance with the water quality objective, appropriate averaging periods may be applied provided the beneficial uses will be fully protected.

i. Aquatic communities and populations, including vertebrate, invertebrate, and plant species, to be degraded.

j. Concentrations of dissolved oxygen to fall below 6.0 mg/l during the period 1 September through 30 November, and below 5.0 mg/l during the rest of the year.

k. Toxic pollutants to be present in the water column, sediments, or biota in concentrations that adversely affect beneficial uses; that produce detrimental response in human, plant, animal, or aquatic life; or that bioaccumulate in aquatic resources at levels which are harmful to human health.

l. Violations of any applicable water quality standard for receiving waters adopted by the Board or the State Water Resources Control Board pursuant to the CWA and regulations adopted thereunder.

If different applicable water quality objectives are adopted after the date of adoption of this Order, the Board may revise and modify this Order as appropriate.

m. Taste or odor-producing substances to impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin or to cause nuisance or adversely affect beneficial uses.

3. The Discharger will not be in violation of Receiving Water Limitation C.2. as long as the Discharger has implemented BMPs that achieve BAT/BCT and the following procedure is followed:

a. The Discharger shall submit a report to the Regional Board that describes the BMPs that are currently being implemented and additional BMPs that will be implemented to prevent or reduce any pollutants that are causing or contributing to the exceedance of water quality standards. The report shall include an implementation schedule. The Regional Board may require modifications to the report.

b. Following approval of the report described above by the Regional Board, the Discharger shall revise its Program and monitoring program to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required.

4. The Discharger shall be in violation of this Order if it fails to do any of the following:

a. Submit the report described above within 60 days after either the Discharger or the Regional Board determines that discharges are causing or contributing to an exceedance of an applicable water quality standard;

b. Submit a report that is approved by the Regional Board; or

c. Revise its Program and monitoring program as required by the approved report.

5. The discharge of storm water and authorized non-storm water shall not cause underlying groundwater to be degraded.

D. Provisions

Storm Water Discharges

1. The Discharger shall comply with the following time schedule[1] to assure compliance with all prohibitions, limitations, and provisions specified in this Order:

Compliance Task	Compliance Date
a. Legal Authority[2]	
(1) Submit a document describing legal authorities the Discharger currently has in place to implement its storm water program	**30 days**
(2) Submit a document that:	**90 days**
(a) Describes additional legal authorities Discharger must obtain, and how the Discharger will obtain such legal authorities.	
(b) Describes legal authorities Discharger cannot obtain, why they cannot be obtained, and how lack of such legal authority will affect the implementation of the Program. If such a situation exists, the Discharger shall identify other entities or agencies that have or can obtain the legal authority needed to implement the Program.	

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1 Unless otherwise specified, Compliance Date in the time schedule means: Days after adoption of this Order.

2 Legal authority means the Discharger must demonstrate it can operate the storm sewer system pursuant to legal authority established by statute, ordinances, contracts, or leases that authorize or enable it to perform all activities outlined in its Program and to comply with these waste discharge requirements.

Compliance Task	Compliance Date
(c) Provides a work plan, subject to Executive Officer approval, with a schedule, outlining the steps and activities to be conducted by the Discharger to assure adequate legal authority exists to implement the Program.	
b. Source Identification	
(1) Review drainage maps, storm sewer system, and current list of pollutant sources and update or revise if necessary.	**30 days**
(2) Develop a source identification program, subject to Executive Officer approval, to ensure drainage map and source identification is monitored and updated. The source identification program should identify, at a minimum, responsible parties to implement source identification program, frequency of monitoring activities, system for monitoring new and changed activities of Discharger and tenant activities, or addition of new tenants that could result in new sources of pollutants to stormwater.	**180 days**[3]
c. Characterization Data	
(1) Submit a technical report, subject to the Executive Officer approval, that includes:	**60 days**
(a) Precipitation data including average annual precipitation, and maximum and minimum annual precipitation.	
(b) Engineering calculations providing total runoff quantities in cubic feet per second and total gallons summarized by drainage areas for the entire Port facility.	
(c) Summary of list of potential pollutant of concerns, and possible sources of the pollutants of concern.	

[3] To be included in the Comprehensive Storm Water Management Program.

	Compliance Task	Compliance Date
(2)	Develop a comprehensive monitoring program[4], subject to the Executive Officer approval, for storm water runoff from the Port, and receiving waters. At a minimum the monitoring will allow the Discharger to verify and update its characterization of storm water runoff, evaluate impacts to receiving waters, and assist in the evaluation of the effectiveness of BMPs and the overall effectiveness of its Program.	**180 days**

d. Comprehensive Storm Water Management Program

(1)	Develop a Comprehensive Program, subject to public comment and review, and Regional Board approval, to manage storm water runoff from the entire Port facility, including runoff from tenant and contractor activities. At a minimum, the Program includes the following sections and elements:	**450 days**

(a) Project management structure.
(b) Legal authority.
(c) Inter/intra-agency coordination and agreements.
(d) Management programs, including:
  1) Illegal Discharges
  2) Illicit Connections
  3) Industrial/Commercial Dischargers/Source Identification
  4) Material Loading and Unloading Activities
  5) Site Development and Construction Activities
  6) Tenant, contractor, employee, and public education and awareness

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[4] In accordance with Monitoring and Reporting Program No. 97-042, the monitoring program will be reviewed, and revised, as necessary, annually. The first year monitoring program is being established in this Order. The monitoring plan to be proposed by the Discharger in the Comprehensive Storm Water Management Plan is to be implemented beginning the second we season following the adoption of this Order.

Compliance Task	Compliance Date
7) Monitoring Program 8) Program evaluation and assessment, and reporting The Program shall include a schedule for implementation of the Program over the term of this Order. The Program shall also include a work plan, with a schedule, that details the activities to be conducted by the Discharger during the first year of implementation of the Program. Subsequent annual work plans will be submitted in accordance with Monitoring and Reporting Program No. 97-042.	
(2) Implement the Program.	**within 30 days of Board approval**
e. Receiving Water Limitations	
(1) The Discharger shall demonstrate full compliance with Receiving Water Limitations specified in Section C of this Order	**3 years**

2. The Discharger shall demonstrate compliance with this Order through timely implementation of the compliance schedule of this Order, the Program, the monitoring program, and any modifications, revisions, or amendments developed and approved pursuant to Provisions D.10 and D.11 of this Order.

3. Each year the Discharger shall assess the effectiveness of the Program in reducing pollutants in storm water discharges in accordance with the assessment tasks described in the Plan. The Discharger shall evaluate its assessment and evaluation of the Program based on monitoring results obtained, and reported as a part of the Annual Report required by the Monitoring and Reporting Program No. 97-042.

4. Each year the Discharger shall review and assess its legal authority to adequately implement the Program. If the Discharger finds its legal authority is not adequate it

shall submit a plan, with a schedule, showing how it will address and revise its legal authority to adequately implement the program. Reporting of the Discharger's findings, and plan will be submitted as part of the Annual Report required by Monitoring and Reporting Program No. 97-042.

5. Each year the Discharger shall provide a fiscal and staffing analysis. The fiscal analysis will detail the capital, and operation and maintenance expenditures necessary to accomplish the activities of the Program. This analysis shall include a description of the source(s) of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds, and staffing requirements. The staffing analysis will detail the equivalent staffing required to accomplish the activities of the Program. The fiscal and staffing analysis will be submitted as part of the Annual Report required by the Monitoring and Reporting Program No. 97-042.

6. If deemed necessary by the Discharger or Executive Officer, the Discharger shall enter into an agreement, acceptable to the Executive Officer, that describes communication, coordination, cooperation, and collaboration of the Discharger's Program, and other pertinent storm water quality activities, with the City of Stockton, or other agencies, districts, or permitted municipal storm water programs that are not named to this Order if necessary to implement its Program. If deemed necessary by the Executive Officer, the Discharger shall enter into such an agreement **within 120 days** after being notified by the Executive Officer.

7. **Within 30 days** after the transfer or partial transfer, the Discharger shall notify the Executive Officer when Rough and Ready Island, or portions of the Island, have been transferred and is within its jurisdictional control. **Within 60 days** after the transfer, or partial transfer, the Discharger shall amend and revise its Program, and monitoring program, as necessary to address storm water discharges from the areas of the island under its jurisdictional control. The revisions or amendments are to include a list of activities and a time schedule for implementation. Activities and management measures to be implemented by the Discharger are to be appropriate and adequate for the character and nature of storm water discharges of storm water discharges from, and the type of activities conducted in, areas of the Island under the control of the Discharger. The Discharger shall report any amendments made to its Program and monitoring program in its Annual Report as required by the Monitoring and Reporting Program No. 97-042.

8. Upon written request by Board staff, the Discharger shall provide a list of all anticipated marine shipments of bulk material for a period of 30 days subsequent to the date of the request.

Non-Storm Water Discharges

Non-storm water discharges include all discharges from the Port facility that are not solely comprised of storm water runoff. Non-storm water discharges include, but are not limited to, wash waters, landscape irrigation, pumped groundwater, equipment condensate, rinse waters, spills, leaks, dust control waters, etc. Storm water runoff that has commingled with non-storm water is also considered a non-storm water discharge.

Discharges of spilled material and product handled at the Port directly to a surface water is also considered a non-storm water discharge.

Non-storm water discharges may be caused by the Discharger and also by tenants or contractors at the Port facility. Provisions 9.a addresses non-storm water discharges caused by tenants or contractors, Provision 9.b addresses non-storm water discharges, other than direct discharges of spilled material and product caused by the Discharger, and Provision 9.c addresses direct discharges of spilled material and product to a surface water.

Provision D.9.a applies only to the Discharger and its responsibility and liability to effectively prohibit the discharge of non-storm water discharges through its municipal storm sewer system. Discharge of non-storm water from tenant facilities into the storm sewer system of the Port facility, or directly to waters of the United States are not authorized by this Order. Tenants must seek individual permit coverage for their non-storm water discharges.

9. Non-Storm Water Discharges

   a. *Discharges from tenant facilities **not** operated by the Discharger*:

      (1) The Discharger shall identify and describe the categories of non-storm water discharges, including those listed in Discharge Prohibition A of this Order, that are a source of pollutants. These categories of discharges are prohibited unless they are permitted under a separate NPDES permit. For each category determined to be a source of pollutants, the Discharger shall:

1) identify and describe the discharge, 2) incorporate the detection of such discharges into the Program, 3) develop and implement appropriate control measures to either eliminate the discharge, or develop reporting procedures for notifying the Regional Board of these discharges when appropriate, and 4) develop and implement appropriate procedures for monitoring the implementation and effectiveness of the control measures.

(a) The Executive Officer may require dischargers of non-storm water to apply for and obtain coverage under an NPDES permit.

(b) The Regional Board may prohibit, or establish additional monitoring and reporting requirements, for any non-storm water discharges identified as a non-prohibited discharge by the Discharger.

(c) Non-storm water discharges identified by the Discharger as being de-minimis per Discharge Prohibition A.1 and A.3 cannot cause the Discharger to be in noncompliance with Receiving Water Limitations C.1, C.2, and C.4, of this Order.

(d) The Discharger may propose, with adequate justification, as part of their Annual Report required by Monitoring and Reporting Program No. 97-042, additional categories of non-storm water discharges, subject to Executive Officer approval, to be included in the exemption to Discharge Prohibition A.

b. *Discharges from facilities operated by the Discharger*

(1) This permit may be amended to allow discharges of non-storm water from sites operated by the Discharger, provided the following requirements are met:

(a) **Within 90 days** of adoption of this Order, the Discharger shall provide the following:

1) A list of the non-storm water discharges it requests to be permitted by this Order.

2) The name and location of the facility, or area, that causes the discharge(s) to occur.

3) A characterization of the quality and quantity of the discharge(s).

4) A description of the control measures, subject to Executive Officer approval, to be implemented, including an implementation schedule, to control, eliminate, or reduce pollutants in non-storm water discharges.

5) A proposed monitoring program, subject to Executive Officer approval, to be implemented by the Discharger to insure control measures are being implemented and are effective. The monitoring program shall include visual monitoring, and, when appropriate, sample collection and analysis.

(2) Non-storm water discharges to be covered by this Order are subject to Effluent Limitation B.2 at the point of discharge from the facility, and cannot cause the Discharger to be in noncompliance with Receiving Water Limitations C.1, C.2 and C.4 of this Order.

(3) Non-storm water discharges not approved to be covered by this Order are prohibited unless permitted by a separate NPDES permit.

(4) The Discharger may propose, as part of its Annual Report required by Monitoring and Reporting Program No. 97-042, additional non-storm water discharges to be covered by this Order in accordance with procedures established in Provision D.9.b(1).

c. *Discharge of Material Associated with Loading and Unloading Activities by the Discharger*

(1) The Discharger shall implement BMPs forthwith that reflect BAT and BCT technologies to prevent or minimize the direct discharge of materials associated with shipping, receiving and storage activities.

(2) The Discharger shall evaluate the effectiveness of the BMPs implemented and shall revise, amend, or add BMPs if the Discharger determines the BMPs are not effective, or at the request of the Executive Officer.

(a) The Discharger shall report its evaluation of BMP effective with its annual report submitted in accordance with Monitoring and Reporting Program No. 97-042.

General Provisions

10. The Program may be modified, revised or amended as part of the annual review process to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Regional Board's Executive Officer or by the Discharger. Major revisions to the Program will be brought before the Regional Board as permit amendments. Minor changes may be made with the Executive Officer's approval. Such proposed changes will be identified in the mid-year review meeting, or through the annual review process and shall be submitted to the Regional Board as technical reports as needed, and shall be reported as part of the Annual Report required by Monitoring and Reporting Program No. 97-042.

11. This Order may be modified, or alternatively, revoked or reissued, prior to the expiration date for the following reasons:

a. to address changed conditions or new information identified in the required technical reports, or other sources deemed significant by the Regional Board;

b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan;

c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable;

d. to address storm water discharges from Rough and Ready Island;

e. to amend this Order to authorize non-storm water discharges from areas or facilities operated by the Port;

f. to amend this Order to facilitate implementation of the Comprehensive Storm Water Management Program; or

g. to revise the Monitoring and Reporting Program No. 97-042.

12. All applications, reports, or information submitted to the Board shall be signed and certified pursuant to signatory requirements specified in 40CFR Part 122.41(k).

13. The Discharger shall comply with Monitoring and Reporting Program No.97-042, which is a part of this Order.

14. The Comprehensive Storm Water Management Plan, Monitoring and Reporting Program, and all other reports or documents submitted by the Discharger in response to Board requests are considered reports that shall be available for the public under Section 308(b) of the CWA.

15. All reports, documents, or other information submitted by the Discharger in accordance with requirements of this Order, or as requested by the Board are to be submitted in duplicate.

16. All revisions, modifications, and amendments made to the Program and Monitoring Program as approved by the Executive Officer or the Regional Board, are integral to this Order, and enforceable as evidence of compliance with this Order.

17. The Discharger shall comply with all applicable items of the "Standard Provisions and Reporting Requirements for Waste Discharge Requirements (NPDES)", dated 1 March 1991, which are part of this Order. This attachment and its individual paragraphs are referred to as "Standard Provisions".

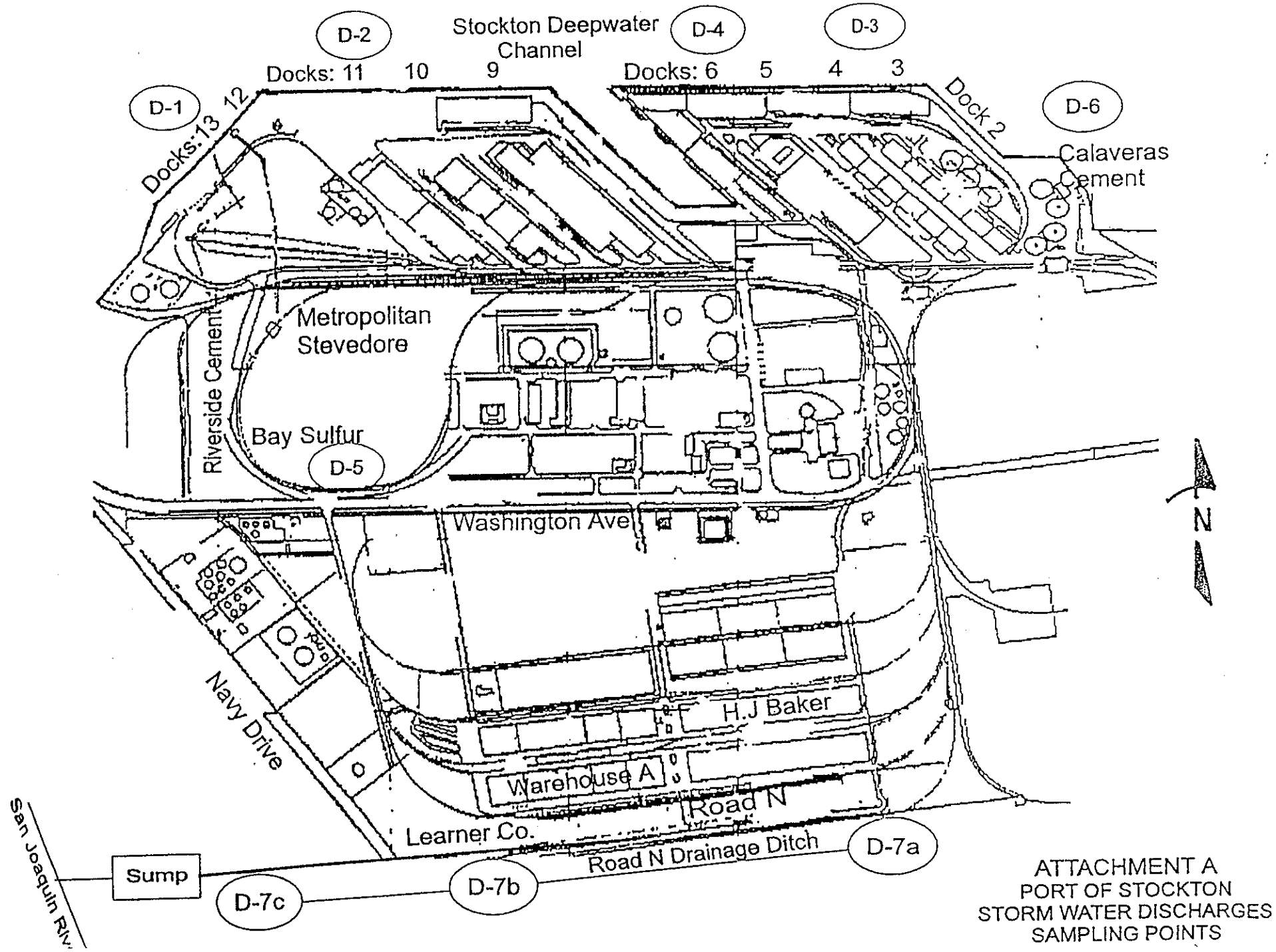
18. This Order expires on 28 February 2002. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date in application for renewal of waste discharge requirements.

WASTE DISCHARGE REQUIREMENTS
STOCKTON PORT DISTRICT
FACILITY-WIDE MUNICIPAL STORM WATER AND
NON-STORM WATER DISCHARGES FROM THE
PORT OF STOCKTON, SAN JOAQUIN COUNTY

I, JAMES R. BENNETT, Interim Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Board, Central Valley Region, on 28 February 1997.

for Thomas R Pinkos
JAMES R. BENNETT, Interim Executive Officer

PCB Amended 28 February 1997
Attachments: A



ATTACHMENT A
PORT OF STOCKTON
STORM WATER DISCHARGES
SAMPLING POINTS

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM 97-042

NPDES NO. CA0084077

STOCKTON PORT DISTRICT
FACILITY-WIDE STORM WATER DISCHARGES FROM
MUNICIPAL SEPARATE STORM SEWER SYSTEM AND
NON-STORM WATER DISCHARGES FROM THE PORT OF STOCKTON
SAN JOAQUIN COUNTY

A. MONITORING REQUIREMENTS

1. The Discharger shall perform the following monitoring:

   a. **Sample Collection Sites:**

   As shown on Attachment A, the Discharger shall collect storm water samples at the following points:

Sampling Point ID No.	Sampling Point Description
Runoff [1]	
D-1	Docks 12/13 from a discharge pipe, if accessible, or a sample of sheet flow into the river
D-2	Docks 10/11 from a discharge pipe, if accessible, or a sample of sheet flow into the river
D-3	Docks 3/4 from a discharge pipe, if accessible, or a sample of sheet flow into the river
D-4	Docks 5/6 from a discharge pipe, if accessible, or a sample of sheet flow into the river
D-5	Westerly portion of the Washington Street drainage ditch immediately west of the point at which the drainage ditch connects with the most westerly discharge pipe leading to the Road N drainage ditch.

[1] If collection at discharge pipe is not possible, an alternative sampling point must be selected, alternative sampling points shall be selected such that the samples collected are representative of the quality and character of the storm water runoff from areas where industrial or Port/tenant activities are being conducted.

Sampling Point ID No.	Sampling Point Description
D-6	Dock/area around Calaveras Cement sheet flow runoff
D-7a	Most easterly discharge pipe paralleling Port Road 21, at outfall into Road N drainage ditch.
D-7b	Last discharge pipe into Road N drainage ditch at Learner Co., west of Warehouse A
D-7c	Most westerly point of Road N drainage ditch just east of the pump station
Receiving Water	
R-1	San Joaquin River 500 ft. upstream of Road N drainage pump station discharge point, within 20 feet of the east bank of the River.
R-2	San Joaquin River 500 ft. downstream of the confluence with deep water channel, within 20 feet of the east bank of the River.
R-3	Deep water channel 500 ft. upstream of the confluence with San Joaquin River, within 20 feet of the east side of the channel.

b. **Sampling Parameters**

Samples shall be collected from all locations listed above from at least three (3) representative[2] storm events that produce significant[3] storm water discharge that is preceded by at least three (3) working days of dry weather (these days may be separated a weekend or holidays if such days are dry weather days). Each sampling event shall be separated by at least 20 working days.

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2 Representative means the depth and duration of the event should not vary by more than 50 perc from the average depth and duration.

3 Significant storm water discharge is either 1) the depth of the storm must be greater than 0.1 inch accumulation, or 2) a continuous discharge of storm water for approximately one hour or more.

2. Samples collected shall be analyzed for:

Sampling Point	Constituent	Units	Type of Sample
Storm water Runoff Discharge Points D-1 through D-7c			
All points	pH	pH units	grab[4]
All points	Specific conductance	µmhos/cm	grab
	Total suspended solids	mg/l[5]	grab and composite[6]
	COD	"	grab and composite
	Gasoline range organics	"	" " "
	Diesel range organics	"	" " "
	Total dissolved solids	"	" " "
	Temperature	°C	grab
	Dissolved oxygen	mg/l	"
D-1	Heavy metals[7]	"	grab and composite
	Sulfur	"	" " "
D-1	Sulfide	mg/l	grab and composite
	Sulfate	"	" " "

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4 Unless otherwise specified, grab samples should be collected during the first 30 minutes of a storm event. If collection of the samples during the first 30 minutes is impracticable, the grab sample can be taken as soon as practicable thereafter, and the Discharger shall explain in its annual report why the grab sample could not be taken in the first 30 minutes.

5 Unless otherwise specified, reported as mg/l for individual grab samples, and as event mean concentration as mg/l for composite.

6 Unless otherwise specified, composite sampling is to either flow or time weighted, and sufficient discharge is to be collected such that the composite samples adequately represent event mean concentration. The Discharger should reference U.S. EPA NPDES Storm Water Sampling Guidance Document, EPA 833-B-92-001 July 1992, for assistance in collecting composite storm water samples.

7 Unless otherwise specified, ICP method for all metals except for Arsenic, Antimony, Berrylium, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Nickel, Selenium, Silver, Thallium, Vandium which shall be analyzed using Graphite Furnace Atomic Absorption method. Detection limits shall be sufficiently low to determine if water quality criteria for the protection of beneficial uses are being met.

Sampling Point	Constituent	Units	Type of Sample		
	Total kjeldahl nitrogen	"	"	"	"
	Nitrate - as N	"	"	"	"
	Total Nitrogen - as N	"	"	"	"
D-2, D-3 & D-4	Total kjeldahl nitrogen	"	"	"	"
	Nitrate - as N	"	"	"	"
	Total Nitrogen - as N	"	"	"	"
D-5 & D-7a,b,c	Heavy metals	"	"	"	"
	Sulfur	"	"	"	"
	Sulfide	"	"	"	"
	Sulfate	"	"	"	"
D-1 & D-5	PNA[8]	µg/l	"	"	"

Receiving Water R-1 through R-3

Receiving water samples shall be grab samples collected between two (2) to six (6) hours after commencement of runoff from the facility. Receiving water sampling may be postponed if hazardous water conditions prevent safe access to the sampling locations. If sampling is postponed, the Discharger shall document the date, time, weather conditions, reason for the postponement, and submit the documentation in its Annual Report.

	Constituent	Units
All points	pH	pH units
	Specific conductance	µmhos/cm
	Total suspended solids	mg/l
	COD	"
	Gasoline range organics	"
	Diesel range organics	"
	PNA	µg/l
	Total dissolved solids	mg/l

[8] Unless otherwise specified, PNAs are to be analyzed using U.S. EPA's Analytical Method 8310 with the lowest detection limits possible, ranging from 0.2 to 2 µg/l, depending on the parameter being regulated.

Sampling Point	Constituent	Units
	Heavy metals	"
	Sulfur	"
	Sulfide	"
	Sulfate	"
	Total kjeldahl nitrogen	"
	Nitrate - as N	"
	Total Nitrogen - as N	"
	Dissolved oxygen	"
	Temperature	°C
	Toxicity[9]	9

3. The Discharger may, prior to 1 May 1997, submit alternative monitoring requirements for subsequent wet seasons. The alternative program must meet the intent and objectives of the monitoring program in B.1, and if approved, implemented by 1 October 1997. The Board may amend this Order to include the alternative monitoring program.

B. MONITORING PROGRAM

1. By **1 August 1998, and every year thereafter**, the Discharger shall submit an annual monitoring program for Executive Officer approval, that shall comply with the monitoring requirements, and is implemented by **1 October** of each year.

   The Monitoring Program shall be developed such that it is an integral part in the evaluation of the Program's effectiveness, provides quantitative information regarding program priorities and direction, demonstrates the reduction in pollutants in storm water runoff, and is designed to achieve the following objectives:

   a. Characterization of representative drainage areas and storm water discharges, including land use characteristics, pollutants concentrations, and mass loadings;

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[9] To be collected for one storm event per wet season , with at least one storm event being the first flush event. Fresh water three species chronic bioassay using grab samples of receiving waters, toxicity test on 100% sample (no dilution series). Discharger shall follow U.S. EPA Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms Document, Third Edition, EPA 600-4-91-002 July 1994, for appropriate sample collection and analysis procedures.

b. Assessment of existing or potential adverse impacts on beneficial uses caused by pollutants of concern in storm water discharges, including an evaluation of representative receiving waters;

c. Identification of potential sources of pollutants of concern found in storm water discharges;

d. Evaluation of effectiveness of representative storm water pollution prevention or control measures; and.

e. Assess and identify water quality improvements or degradation.

2. The Discharger's monitoring program shall include the monitoring of first flush storm events during the term of this Order. The first flush event is intended to mean the first storm event, near the beginning of the wet season (around October), after an extended dry season, that produces sufficient runoff to allow the Discharger to collect and analyze storm water discharges from the storm water monitoring points.

The Discharger is to make all reasonable efforts possible to collect first flush events. However, there may be times when conditions would prevent the Discharger from collecting the first flush storm event of the season. In this case the Discharger shall document the reasons, and provide adequate justification its Annual Report as to why the first flush event was not sampled.

C. UNLOADING AND LOADING OF BULK MATERIAL ACTIVITIES MONITORING

1. During one loading or unloading event per year per type of bulk material handled at the Port facility, the Discharger shall collect grab samples of the River or Deep Water Channel, whichever is the surface water in which the unloading or loading activities are conducted, at points upstream, downstream, and beneath the loading activity.

a. The samples shall be collected after the act of loading or unloading of material has begun, and at a time that would best represent the character of quality of the River or Deep Water Channel during such activities.

b. The Discharger shall document the sampling activity. Documentation shall include the date of sampling, the dock at which the activity took place, the time the loading or unloading activity began and ended, the times the samples were collected, the type and character of material being handled, the quantity of material being handled, weather conditions, and other pertinent data.

c. The Discharger shall evaluate its analytical results to determine the effectiveness of management measures being implemented to control the discharge of bulk material into

the River or Deep Water Channel, and any water quality impacts such discharges may have on the River or Deep Water Channel.

2. During every bulk material loading and unloading event, the Discharger shall conduct visual observations of the activities. The Discharger shall observe and document the management measures being implemented, management measures that were not implemented, an observation of the quantity of material spilled on the shore and dock, and material spilled in the River or Deep Water Channel. Observations shall be documented. Documentation shall include the date the visual inspection was conducted, the person conducting the inspection, the dock at which the activity took place, the time the loading or unloading activity began and ended, the type and character of material being handled, the quantity of material being handled, weather conditions, and other pertinent data.

   a. The Discharger shall evaluate its visual inspection findings to determine if the management measures being implemented are effective, and adequately reduce or eliminate the discharge of bulk materials to the River or Deep Water Channel.

3. The Discharger shall submit its documentation, analytical results, and evaluations to the Board as part of its Annual Report required in Section D Annual Report and Work Plans of this Order.

D. ANNUAL REPORT AND WORK PLANS

1. The Annual Report is an important element of the program and reporting procedures. The report shall provide both the Discharger and Regional Board staff an opportunity to adequately evaluate and propose:

   a. Implementation progress of the Program;

   b. Summary and evaluation of the monitoring program analytical results and activities, and how these results relate to the Program's priorities and directions;

   c. Discharger's fiscal and manpower resources, and legal authority to implement an effective Program;

   d. Discharger's non-storm water program.

   e. The overall effectiveness of the Program and its control measures both qualitatively and quantitatively;

   f. Recommended changes, revisions, and amendments to the Program based on the findings of the annual review process and effectiveness evaluation process, and to address other issues or problems that may cause the Dischargers to not fully and completely implement all elements of the Program or approved work plan; and

The Annual Report is a tool for the Discharger to establish that, through implementing its Program, it has reduced the discharge of pollutants in storm water to the MEP and BAT/BCT for non-storm water, and to ensure the goals of the Clean Water Act are being achieved through implementation of the Program. As such, the report format, and its contents, may change as the Program develops, and as the Program, and monitoring program priorities and direction change.

2. The Discharger shall submit **by 1 September** each year, an Annual Report documenting the status of all the general Program and individual tasks contained in the Program. The Annual Report will be a detailed report on the status of implementation of the Program, and include an evaluation of the effectiveness of the control measures, management practices, and other actions and activities described in the Program. Measures of effectiveness include, but are not limited to, quantitative monitoring to assess the effectiveness of control measures, detailed accounting of program accomplishments, funds expended and staff hours utilized. The Annual Report shall provide an overall evaluation of the Program and set forth plans and schedule of implementation for the upcoming year. The Annual Report may also include proposed modifications or revisions to the Program.

   In the report the Discharger shall report the results of its monitoring program for the preceding year. The report shall be submitted such that it provides a summary of the analytical results, and provides a discussion on the findings, and how the analytical results apply to the Discharger's determination and evaluation of discharge characterization, Program effectiveness, receiving water impacts, reductions in pollutants, and other pertinent areas or activities required by this Order.

   In the report, the Discharger shall propose, subject to approval, pertinent updates, improvements, or revisions to the Program.

3. Included in the Annual Report, the Discharger shall submit a work plan for the following year which describes the proposed implementation of the Program for the next fiscal year. The work plan shall consider the status of implementation of current year activities and actions of the Discharger, problems encountered, and proposed solutions, and shall address any comments received from the Executive Officer on its previous year Annual Report. The work plan shall include clearly defined tasks, responsibilities, and schedules for implementation of the Program, and the Discharger's actions for the next fiscal year. The work plan, once approved, shall be deemed to be incorporated into the Program as provided in Provision D.17 of Order No. 97-042, and shall be implemented by **1 July** of each year except for those parts of the work plan determined to be unacceptable by the Executive Officer.

   All parts, if any, found to be unacceptable to the Executive Officer shall be revised or amended as appropriate by the Discharger, and resubmitted for Executive Officer approval. Once approved, these work plan elements will be implemented **within 30 days** of approval.

4. During the month of **February each year**, the Discharger shall present a mid-year summary and assessment to Board staff of its status in the implementation of their work plan and Program, and provide a conceptual work plan for the subsequent year. The Discharger's presentation shall address: 1) Regional Board's comments on the previous year's Annual Reports, 2) status of Program implementation and current year work plan, 3) major and minor modifications proposed or required by the Discharger or Regional Board, respectively, and proposed implementation schedule for modifications, and 4) conceptual work plan for the upcoming year.

5. The collection of storm water and receiving water samples shall be conducted by adequately trained and experienced individuals, and shall be done in accordance with appropriate quality assurance and control procedures.

6. Evaluation of the storm water discharge and receiving water sampling analytical results shall be conducted by an experienced professional knowledgeable with the evaluation of water quality data.

Ordered by for JAMES R. BENNETT, Interim Executive Officer

28 February 1997
(Date)

PCB: Amended 28 February 1997

INFORMATION SHEET

FACILITY-WIDE STORM WATER DISCHARGES AND
NON-STORM WATER DISCHARGES FROM THE
STOCKTON PORT DISTRICT, SAN JOAQUIN COUNTY

The Port is on the San Joaquin River and the Stockton Deep Water Ship Channel. The Port is governed by the Stockton Board of Port Commissioners that is made up of seven members which have been appointed by the City of Stockton and San Joaquin County Board of Supervisors. Day to day operations and services at the Port are handled by the Port Director and his staff. The Port owns and operates a 600+ acre diverse transportation facility housing berthing spaces, dockside sheds, conveyors, cranes, and other equipment necessary for the shipping and receiving of products, warehousing, dry and wet bulk storage facilities, pipeline, rail and truck delivery capabilities, and other facilities necessary for the general operation of a major port facility. Port facilities handle a wide variety of bulk, liquid, or packaged materials such as steel, cement, grains and other animal feed products, agriculture products, fertilizers, copper concentrates, clay, coal, sulphur, and petroleum coke.

The Port is a large industrial facility within the City of Stockton. The District is a separate local agency. The District owns and operates a storm water conveyance system that discharges storm water from the Port facility into the San Joaquin River and the Stockton Deep Water Channel. Various tenants at the Port engage in industrial activities.

In 1987, the federal Clean Water Act was amended to require that all discharges of storm water associated with industrial activities be subject to a national pollutant discharge elimination system permit (NPDES permit), and that all discharges of storm water from large and medium municipal separate storm sewer systems (MS4s) also be subject to NPDES permits. In 1990 the United States Environmental Protection Agency (U.S. EPA) promulgated storm water regulations which defined the types of storm water discharges that must be regulated by a NPDES permit. The definition included large and medium municipal separate storm sewer systems, and various industrial activities. The City of Stockton was identified in the regulations as a municipality that owns and operates a medium municipal separate storm sewer system that was required to have a NPDES municipal storm water permit. Additionally, special districts, associations, or other public bodies that own or operate storm sewer systems in the City were also required to seek coverage under a municipal NPDES permit by May 1994. The City is currently regulated by a NPDES municipal permit, Order No. 95-035. The Port is a special district that owns and operates a storm sewer system that is situated in an incorporated area that has been specifically named in the Regulations as a medium municipal separate storm sewer system. As such, the Port's storm sewer system should be regulated by a NPDES municipal storm water permit. The adoption of this Order will bring the Port into compliance with the regulatory requirements.

The U.S. EPA regulations described various industrial activities that must be permitted. The industrial activities include vehicle maintenance at water transportation facilities, as are conducted by the District, and also several of the activities of the District's tenants. In February

1992, the District submitted a notice of intent (NOI) seeking coverage under the General Permit. The NOI stated that the permitted area would be the entire 600+ acres occupied by the Port. Some of the District's industrial tenants also submitted NOIs.

The Port has been regulated by the General Permit as of February 1992. In October 1993, Board staff notified the Discharger of its regulatory requirement to obtain a municipal storm water permit. After a great deal of correspondence between the Port, City and the Board staff, staff agreed not to pursue issuing a municipal permit to the District, provided the *entire* Port facility was covered by the General Permit. The District was to take responsibility, through the General Permit, for discharges from the *entire* Port. Staff interpreted *entire* to mean that the District would take responsibility for all discharges from the Port, and would ensure that best management practices (BMPs) were employed throughout the Port (including at the facilities operated by tenants). In other words, Board staff had treated the Port as one large industrial facility, with primary responsibility by the District under the General Permit, and secondary responsibility by the City under its MS4 permit's Industrial Discharger Program.

Several other port districts throughout California have opted to take responsibility for the en port through coverage under the General Permit. Staff believed this approach would lead to statewide consistency. Also, because the legal standards for compliance with the General Permit are more stringent than for MS4 permits, staff believed it was acceptable to cover the entire facility under the General Permit, without naming the District in a MS4 permit.

The Port submitted a Storm Water Pollution Prevention Plan (SWPPP) on 7 February 1994. The SWPPP did not address storm water discharges from the entire Port facility. Discharges from facilities operated by tenants were excluded. District representatives have since stated that the District only intended to take responsibility for its own discharges under the General Permit, and that it expected each industrial tenant to file a NOI and comply separately. Therefore, there is currently no one entity taking primary responsibility for discharges of storm water from the Port.

On 10 April 1996 the Port was issued a Notice of Violation (NOV) for failure to comply with requirements of the General Permit, Federal Clean Water Act, and the California Water Code. Subsequently Port officials met with Board staff to discuss the NOV, and to discuss the permitting approach for storm water discharges from the Port facility. As a result of the meeting, the District has notified staff that it will pursue coverage of the entire Port facility under a MS4 permit, and that it will comply with the General Permit only for the industrial activities conducted by District personnel and contractors. The District has also informed its tenants that they must separately file NOIs for coverage under the General Permit.

In accordance with U.S. EPA storm water regulations, a medium municipal storm sewer sys m operator was allowed two years to develop and submit a complete application. The comple application was to have been submitted by May 17, 1993. Waste discharge requirements for

medium municipal storm sewer systems were to have been issued by May 17, 1994. The Discharger failed to submit an application to the Board by the time specified in the regulations, and has not submitted one as of the date of the writing of this Order. The Board is authorized to adopt waste discharge requirements even where a permit application has not been submitted. The Board finds that allowing the Discharger two years to complete and submit an application as provided other medium storm sewer operators would be unreasonable in light of the federal requirements for storm water permits, the information provided by the Discharger regarding the Discharger's storm sewer system, and the fact that the Discharger has been regulated for several years under the General Permit for Storm Water Discharges Associated with Industrial Activities.

The Order establishes a time schedule to bring the Discharger into compliance with the storm water regulations. In summary, the Order requires the Discharger to:

1. Develop and implement a facility wide storm water management plan to reduce or eliminate pollutants in the discharge of storm water from all facilities at the Port identified as significant sources of pollutants to ensure the protection of the receiving water.

2. Develop and implement an adequate discharge and receiving water monitoring program that will allow the Port to characterize its storm water discharges, identify pollutants of concern, implement and assess the effectiveness of its storm water plan, and identify impacts to receiving waters caused by storm water discharges from the Port.

3. Prohibit non-storm water discharges that are not permitted by the Board.

4. Implement BMPs to reduce or eliminate the discharge of materials associated with Port activities directly or indirectly to the River or Deep Water Channel. Materials include, but are not limited to sulfur, coal, petroleum coke, fertilizer, and copper concentrate.

5. Establish a process that the Port must follow to ensure the storm water management plan is effective. Such a process will ensure the plan is revised and amended to:

    a. address pollutant sources determined to cause a violation of a water quality standard, or violation of the permit conditions;

    b. implement new or modified BMPs when it is determined the existing BMP(s) are not effective;

    c. address new activities or sources of pollutants at the Port; and

    d. ensure the achievement of water quality standards.

7. Submit comprehensive annual reports evaluating the effectiveness of the storm water plan to reduce and eliminate pollutants in storm water discharges.

The Order requires the reduction of pollutants in storm water discharges to ensure compliance with receiving water limitations through the development and implementation of a Program that will span the entire term of this Order. Implementation of the Program, in accordance with the time schedule contained in the Order, will result in substantial compliance with the requirements of this Order within three (3) years.

PCB: 28 February 1997